

Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025
Attachments: 01 14 2026 - 25 NCAC 01E .1006 Compensatory Time - Response to Objection.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, January 14, 2026 10:36 AM
To: Mazza, Denise H <denise.mazza@nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise!

I just made one more change regarding indentation under 3(b). The attached version will be used for RRC review.

The Commission will review the updated rule at its meeting on January 29, 2026, at 10:00 am. Let me know if you have any questions before then.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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1 25 NCAC 01E .1006 is amended with changes as published in 40:01 NCR 27-29 and address RRC objection as
2 follows:

3

4 **25 NCAC 01E .1006 COMPENSATORY TIME**

5 Under the state's overtime compensation policy certain employees are designated as administrative, executive
6 executive, or professional. Employees in these categories are exempt from the provision for overtime pay. To grant
7 these employees compensating compensatory time is a decision that must be made by the agency head. When
8 compensatory time is granted to administrative, executive executive, or professional employees, the following shall
9 apply:

10 (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time
11 equivalent rate.
12 (2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason,
13 an employee must be required to take compensatory time as soon as possible after it is credited.
14 credited;
15 (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency,
16 subject to approval by the receiving agency head. Agencies who agree to receive compensatory
17 time from another state agency must ensure receipt of compensatory leave and administer it
18 consistently. [consistently and equitably.] [is administered consistently and equitably. Administering
19 the receipt of compensatory leave "consistently and equitably," for purposes of this Rule, means
20 treating employees who are in the same situation the same way, regardless of their race, ethnicity,
21 or other non-work related characteristics.]
22 (a) Administering the receipt of compensatory leave "consistently," for purposes of this Rule,
23 means that if an agency agrees to accept the transfer of compensatory time, it will accept
24 all transferring employees' compensatory time balances up to the limit set by the receiving
25 agency, which shall be no more than 160 hours.
26 (b) "Ensuring Receipt" of compensatory leave, for purposes of this Rule, means that:
27 (i) The receiving agency sets, within the limit of 160 hours, the amount of
28 compensatory time that may be transferred;
29 (ii) The receiving agency communicates this amount to the agency that is transferring
30 the employee;
31 (iii) The agency transferring the employee must set the compensatory time balance in
32 the Integrated HR-Payroll System to the number communicated pursuant to Sub-
33 Item (b)(ii) of this Rule; and
34 (iv) The receiving agency must confirm that the compensatory leave balance is the
35 number communicated under Sub-Item (b)(ii) of this Rule.
36 (3)(4) Non-transferable. Compensatory time is not transferable to any other type of leave leave, or to
37 another agency; and

1 (4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The
2 employee's separation date shall not be changed in order to pay for compensatory time.

3 *History Note: Authority G.S. 126-4(5); 126-1*

4 *Eff. February 1, 1976;*

5 *Amended Eff. August 1, 2009-2009;*

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7 *[2016-]2016;*

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Burgos, Alexander N

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From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Tuesday, January 13, 2026 4:30 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you for these clarification, Chris! Please see the attached.

In addition to your instructions, I corrected the formatting for the inclusion of the Oxford commas after “executive” at Lines 2 and 5 by marking through and highlighting the entire word and reasserting the word with the comma, underlined and highlighted.

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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Burgos, Alexander N

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12 30 2025 - 25 NCAC 01E .1006 Compensatory Time Response to Objection.docx

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Sent: Friday, January 9, 2026 11:35 AM
To: Mazza, Denise H <denise.mazza@nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
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Thank you, Denise. Please use the version attached for RRC review. A few more formatting changes are required, as noted below. Then I think this will be good to go.

- Rule Number and Title, line 4: Please put this line in **bold**.
- (3), formatting: Please fix the indentation for (3) so that it aligns with (1), (2), (4), and (5).
- (3), lines 17-18: The struck through “~~is administered consistently and equitably.~~” should also be placed in brackets.
- (3), lines 17-21: For all bracketed/deleted language, please remove the underlining.
- (3)(b): Please remove the following language from the rule text: ~~“Receipt”~~
- History Note, page 2, line 9: The struck through “~~2016.~~” should also be placed in brackets.
- History Note, page 2, line 10: Please remove the underlining from: ~~“December 1, 2025.”~~

Please submit the final version to me at your earliest convenience. We will then include it in the Agenda for the January Meeting.

Best,
Chris

Burgos, Alexander N

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Attachments: 12 30 2025 - 25 NCAC 01E .1006 Compensatory Time Response to Objection.docx; 12 30 2025 - 25 NCAC 01E .1006 Compensatory Time Response to Objection 02.docx

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Tuesday, December 30, 2025 1:50 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Chris.

We have accepted all of your revisions and, hopefully, have accurately incorporated them in the attached.

I am sending you two versions. The first, I made these changes as if it were the first round of edits . The second, I made changes as if it were a second round – removing the underlining and bracketing and striking through (b)(i) at (b)(iii) and (b)(iv), and adding and underlining (b)(ii) in their place. Please let me know which is correct or if we need to make any other changes.

Thanks!

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
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Denise and Blake,

Thank you again for sending along these changes. I believe the substantive revisions to (3) will address the Commission's concerns. However, I have a few additional comments for you. Please see below.

- **Intro Statement:** The introductory statement should be included in the lines of the rule text. Please take it out of the page header. As an example, please see <https://www.oah.nc.gov/crc-final-revised-rules-0/open>.
- **Line 2:** Consider adding an Oxford comma after "executive".
- **Line 5:** Consider adding an Oxford comma after "executive".
- **(3)(a), lines 18-21:** The formatting for this deletion is correct. However, for consistency with the last version of the rule, this should be moved up to the end of (3), up to line 14.
- **(3)(b), line 22:** Should this define "Receipt" or "Ensuring Receipt"? Does one make more sense to use than the other here, based on the rule text above?
- **(3)(b)(iii):** I think the reference on line 29 should be to (3)(b)(ii).
- **(3)(b)(iv):** I think the reference on line 31 should be to (3)(b)(ii).
- **History Note, line 36:** Please add a semi-colon after "126-4(5)".

Let me know if you have any questions. Please send me an updated version when you get a chance.

Best,
Chris

Burgos, Alexander N

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Monday, December 22, 2025 1:20 PM

To: Mazza, Denise H <denise.mazza@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise. I confirm receipt. No need to file the updated rule with anyone else. I will review and get back to you shortly.

Have a good holiday!

Chris

Burgos, Alexander N

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Chris,

We have attached SHRC's proposed approved revisions addressing the RRC objection. Do we need to file this with OAH or is emailing the response to you sufficient for consideration.

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
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10 ~~credited;~~

11 (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency,
12 subject to approval by the receiving agency head. Agencies who agree to receive compensatory
13 time from another state agency must ensure receipt of compensatory leave and administer it
14 consistently. [consistently and equitably.] is administered consistently and equitably.

15 (a) Administering the receipt of compensatory leave "consistently," for purposes of this Rule,
16 means that if an agency agrees to accept the transfer of compensatory time, it will accept
17 all transferring employees' compensatory time balances up to the limit set by the receiving
18 agency, which shall be no more than 160 hours. [Administering the receipt of
19 compensatory leave "consistently and equitably," for purposes of this Rule, means treating
20 employees who are in the same situation the same way, regardless of their race, ethnicity,
21 or other non-work related characteristics.]

22 (b) "Receipt" of compensatory leave, for purposes of this Rule, means that:

23 (i) The receiving agency sets, within the limit of 160 hours, the amount of
24 compensatory time that may be transferred;

25 (ii) The receiving agency communicates this amount to the agency that is transferring
26 the employee;

27 (iii) The agency transferring the employee must set the compensatory time balance in
28 the Integrated HR-Payroll System to the number communicated pursuant to Sub-
29 Item (b)(i) of this Rule; and

30 (iv) The receiving agency must confirm that the compensatory leave balance is the
31 number communicated under Sub-Item (b)(i) of this Rule.

32 (3)(4) Non-transferable. Compensatory time is not transferable to any other type of ~~leave leave, or to~~
33 ~~another agency; and~~

34 (4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The
35 employee's separation date shall not be changed in order to pay for compensatory time.

36 *History Note:* Authority G.S. 126-4(5)~~126-4~~

37 *Eff. February 1, 1976;*

25 NCAC 01E .1006 is amended with changes as published in 40:01 NCR 27-29 and
address RRC objection as follows:

1 *Amended Eff. August 1, 2009-2009;*

2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
3 *2016-2016;*

4 *Amended Eff. February 1, 2026. [December 1, 2025.]*

Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Tuesday, December 16, 2025 3:37 PM

To: Mazza, Denise H <denise.mazza@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Great – thank you for confirming, Denise. I will be on the lookout for the submission.
And feel free to reach out to me with any questions before then.

Thanks,
Chris

Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Tuesday, December 16, 2025 2:36 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

The SHRC did meet on Thursday, December 11, 2025. The SHRC will be able to send you a draft rule and response by EOD December 21, 2025.

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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tate official.

Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Friday, December 12, 2025 10:38 AM

To: Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Good morning Denise,

I see that SHRC was scheduled to meet yesterday, December 11, 2025. Is this accurate? I note that per the statute, G.S. 150B-21.12, the commission has “30 days after receiving the Commission's statement of objection or within 10 days after the board or commission's next regularly scheduled meeting, whichever comes later,” to address the objection. As such, do you think you will be able to get me a draft rule and response **by EOD December 21, 2025**? The statute does not provide for any way to extend this statutory deadline.

Thanks,

Chris

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Thursday, December 11, 2025 2:30 PM

To: Mazza, Denise H <denise.mazza@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thanks, Denise. Nothing else is needed for now. I believe the rule will remain on the Agenda for December but will just be a No Action item for the Commission, but let me confirm with my colleagues. I will get back to you.

Best,

Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Tuesday, December 9, 2025 2:53 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

I confirmed with Blake that OSHR would like to move this agenda item to the January 2026 RRC meeting. We believe that will give us the additional time we need to address the objection.

Please let me know if we need to do any thing other than this email request to make this happen.

Thanks!

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Mazza, Denise H <denise.mazza@nc.gov>

Sent: Tuesday, December 9, 2025 2:53 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Chris,

I confirmed with Blake that OSHR would like to move this agenda item to the January 2026 RRC meeting. We believe that will give us the additional time we need to address the objection.

Please let me know if we need to do any thing other than this email request to make this happen.

Thanks!

Denise

Denise H. Mazza

Paralegal/Contract Specialist

Desk: 984-236-0823

denise.mazza@nc.gov



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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Friday, December 5, 2025 2:30 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Hi Chris.

I spoke with Alex about this earlier today. Blake may need to move this from the December 2025 RRC meeting. Following up on this with Blake and will be back in touch soon.

Denise

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, December 5, 2025 2:26 PM
To: Thomas, Blake <Blake.Thomas@nc.gov>; Mazza, Denise H <denise.mazza@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Hi Blake and Denise,

Checking in on this – do you think you'll have a draft of the revised rule for me next week? As a reminder, the RRC Meeting will be on December 18, 2025, at 10:00 am.

Thanks and have a good weekend,

Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road

Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025
Attachments: RRC_chapter 05 rules.doc

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, November 19, 2025 9:39 PM
To: Thomas, Blake <Blake.Thomas@nc.gov>; Mazza, Denise H <denise.mazza@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Questions like this are pretty common during the RRC meetings. If this issue is raised at tomorrow's RRC meeting, your explanation may alleviate the Commissioner's concern regarding any ambiguity, and the rule could pass. If instead the rule is objected to by the Commission over any concerns, the rule is returned to the agency and the agency can then make revisions to address RRC's objection. Assuming the revisions would be quick and minor, the rewritten rule could then be raised again at the December 2025 RRC meeting.

I've attached a copy of RRC's rules for your reference. Specifically, 26 NCAC 05 .0107 and .0108 discuss this process.

Let me know if you have any other questions.

Best,
Chris

From: Thomas, Blake <Blake.Thomas@nc.gov>
Sent: Wednesday, November 19, 2025 4:15 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Mazza, Denise H <denise.mazza@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Christopher, thanks very much for the heads-up. I will attend the meeting tomorrow morning and will be prepared to answer any questions about what this means in practice.

We're always happy to adjust the text of a rule to clarify potential ambiguities. What is the process for any resulting changes when a Commissioner raises an issue like this at the meeting? Obviously, there isn't time to work through a clarification before this week's meeting. Do the Commissioners prefer for the rule to be displaced until a later meeting and for the agency, in the time between meetings, to develop alternative text that could meet the Commissioner's question? Or is there another procedure that is used in these circumstances?

Thanks again for your note.
--Blake



Blake Thomas
General Counsel
North Carolina Office of State Human Resources
Desk: (984) 236-0822 Cell: (704) 315-3823

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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, November 18, 2025 3:23 PM
To: Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Good afternoon Denise,

Just a heads up – I did receive a preliminary question from a Commissioner regarding rule 25 NCAC 01E .1006. Specifically, in (3), you use the language “must ensure receipt” of compensatory leave. The Commissioner did not understand what this language meant and views it as being potentially ambiguous. So, you may receive some questions on this at Thursday’s meeting.

Thanks,

Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Mazza, Denise H <denise.mazza@nc.gov>
Sent: Wednesday, November 12, 2025 8:28 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank Chris. Will do.

Denise H. Mazza
Paralegal/Contract Specialist
Desk: 984-236-0823
denise.mazza@nc.gov



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Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Monday, November 10, 2025 1:56 PM

To: Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise. I am satisfied with the changes and responses.

To note, the final version of the rules should not include Track Changes. Rather, make sure all changes are done manually using strikethroughs, underlines, and highlighting. Please then email the final revised versions of these rules to oah.rules@oah.nc.gov for RRC review. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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Burgos, Alexander N

Subject:

FW: 25 NCAC 01E - Request for Changes - November 2025

Attachments:

Response to Requests for Changes - 25 NCAC 01E - Miller.pdf; 25 NCAC 01E .1006 Compensatory Time rev 2.docx; 25 NCAC 01E .1801 Policy rev2.docx; 25 NCAC 01E .1802 Definitions rev2.docx; 25 NCAC 01E .1804 Eligibility Requirement rev2.docx; 25 NCAC 01E .1808 Transfer rev2.docx; 25 NCAC 01E .1809 Use of Leave rev2.docx

From: Mazza, Denise H <denise.mazza@nc.gov>

Sent: Friday, November 7, 2025 4:24 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>

Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Mr. Miller,

Attached is OSHR's response to Requests for Changes in 25 NCAC 01E and the associated rules revised as directed or per OSHR's responses.

Please let us know if you need anything further.

Denise

Denise H. Mazza

Paralegal/Contract Specialist

Desk: 984-236-0823

denise.mazza@nc.gov



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1 25 NCAC 01E .1006 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 27 AS FOLLOWS:

2 25 NCAC 01E .1006 COMPENSATORY TIME

3 Under the state's overtime compensation policy certain employees are designated as administrative, executive or
4 professional. Employees in these categories are exempt from the provision for overtime pay. To grant these
5 employees compensating compensatory time is a decision that must be made by the agency head. When
6 compensatory time is granted to administrative, executive or professional employees, the following shall apply:

7

8 (1) Amount. Compensatory time is awarded at a rate not to exceed the individual's straight time
9 equivalent rate, rate;

10 (2) Non-cumulative. Compensatory time is not cumulative beyond a 12-month period. For this reason,
11 an employee must be required to take compensatory time as soon as possible after it is credited.
12 credited;

13 (3) Transferable. Compensatory time, up to 160 hours, may be transferred to another state agency,
14 subject to approval by the receiving agency head. Agencies who agree to receive compensatory
15 time from another state agency must ensure receipt of compensatory leave and administer it
16 consistently and equitably is administered consistently and equitably. Administering the receipt of
17 compensatory leave "consistently and equitably," for purposes of this Rule, means treating
18 employees who are in the same situation the same way, regardless of their race, ethnicity, or other
19 non-work-related characteristics.

20 (3)(4) Non-transferable. Compensatory time is not transferable to any other type of leave leave, or to
21 another agency, and

22 (4)(5) Separation. Compensatory time is lost when an employee is separated from state service. The
23 employee's separation date shall not be changed in order to pay for compensatory time.

24 History Note: Authority G.S. 126-4(5) / 126-7

25 Eff. February 1, 1976;

26 Amended Eff. August 1, 2009-2009;

27 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,

28 2016-2016;

29 Amended Eff. December 1, 2025.

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1 25 NCAC 01E .1801 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 28 AS FOLLOWS:

2

3 25 NCAC 01E .1801 POLICY

4 (a) Incentive leave may be used as a recruitment tool to assist in the employment of candidates individuals who are
5 middle or late career applicants employed outside of State government and who are interested in accepting
6 employment within North Carolina State government, with the State of North Carolina.

7 (b) An agency may award incentive leave to a middle or late career applicant applicants who is-are newly appointed
8 to a position that the agency has identified as critical to the agency mission and for which the agency has
9 documented recruitment difficulty attracting qualified applicants, or who is-are newly appointed to an executive
10 management position.

11 *History Note: Authority G.S. 126-4; 126-4(5); 126-4(4) and 4(5);*

12 *Eff. January 1, 2011;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
14 *2016.2016;*

15 *Amended Eff. December 1, 2025.*

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1 25 NCAC 01E .1802 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 30 AS FOLLOWS:

2

3 25 NCAC 01E .1802 DEFINITIONS

4 As used in this Section:

5 (1) Employed Outside of State Government means ~~employed with an organization that is not part of~~
6 ~~the State of North Carolina government or~~ not employed with an organization for which the State
7 currently accepts transferred accrued vacation leave upon hire.

8 (2) Executive Management Position means a senior management position that reports directly to an
9 appointed or elected agency head and is delegated authority to make decisions that impact the
10 overall direction of the agency and whose duties typically involve planning, strategy, policy-
11 making and line management. Typical job titles include chief executive officer, chief operating
12 officer, chief financial officer, and deputy secretary.

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13 (3) Middle Management Position means a position that reports directly to an executive management
14 position and supervises lower level management positions and is delegated authority to make
15 decisions that impact the overall direction of a department or division of an agency and whose
16 duties typically involve program planning and coordination, organization structure, determining
17 goals and standards, determination and interpretation of policy, and fiscal control.

18 (4) Middle or Late Career Applicant means an applicant with 10 or more years of directly related
19 experience in their profession.

20 (3)(2)(5) Newly Appointed means the initial appointment as an employee of the State of North Carolina,
21 or an appointment following a break in service of at least 12 months from a previous appointment
22 as an employee of the State of North Carolina.

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23 (4)(3)(6) Recruitment ~~Difficulty~~ Difficulties means positions that are ~~highly competitive in the~~
24 labor market due to specialized competencies, licenses, or certifications, or geographic location or
25 those positions in which there is a high turnover which impacts the agency's efforts to recruit and
26 provide services. Recruitment typically involves active recruitment efforts utilizing multiple
27 recruitment resources that require an extended period of recruitment and results in a limited
28 qualified applicant pool.

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30 History Note: *Authority G.S. 126-4; 126-4(5);*

31 *Eff. January 1, 2011;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
33 *2016; 2016;*

34 *Amended Eff. December 1, 2025.*

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1 25 NCAC 01E .1804 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 31 AS FOLLOWS:

2
3 25 NCAC 01E .1804 ELIGIBILITY REQUIREMENTS

4 To be eligible for incentive leave, the employee must be newly appointed and have the following:

5 (1) All qualification and competency requirements of the position; and
6 (2) At least 10 years of experience that is directly related to the position; and
7 (2)(3) A full-time or part-time (half-time or more) permanent, ~~probationary~~ probationary, or time-limited
8 appointment.

9 *History Note:* Authority G.S. 126-4; 126-4(5);

10 *Eff. January 1, 2011;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
12 *2016.2016;*

13 *Amended Eff. December 1, 2025.*

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1 25 NCAC 01E .1808 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS: |

2

3 25 NCAC 01E .1808 TRANSFER

4 If the employee transfers to a State SPA or EPA position, unused Unused incentive leave may be transferred subject
5 to the receiving agency's approval. If incentive leave is not transferred, it shall not be paid out in a lump sum.

6 *History Note Authority G.S. 126-4; 126-4(5);*

7 *Eff. February 1, 2011;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,
9 2016; 2016;*

10 *Amended Eff. December 1, 2025.*

Burgos, Alexander N

Subject: FW: 25 NCAC 01E - Request for Changes - November 2025

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, November 10, 2025 1:56 PM
To: Mazza, Denise H <denise.mazza@nc.gov>; Thomas, Blake <Blake.Thomas@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: 25 NCAC 01E - Request for Changes - November 2025

Thank you, Denise. I am satisfied with the changes and responses.

To note, the final version of the rules should not include Track Changes. Rather, make sure all changes are done manually using strikethroughs, underlines, and highlighting. Please then email the final revised versions of these rules to oah.rules@oah.nc.gov for RRC review. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
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(984) 236-1935

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1 25 NCAC 01E .1809 IS AMENDED WITH CHANGES AS PUBLISHED IN 40:1 NCR 32 AS FOLLOWS:
2

3 25 NCAC 01E .1809 USE OF LEAVE

4 Vacation Incentive leave shall be taken only upon authorization of the agency head or designee.

5 *History Note: Authority G.S. 126-4; 126-4(5);*

6 *Eff. February 1, 2011;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*

8 *2016-2016;*

9 *Amended Eff. December 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1006

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(3), line 15: Is the use of the word “receipt” here correct? Is this supposed to mean, “... must ensure receipt of compensatory leave and administer it consistently and equitably.”?

Yes. We have made this change, along with the change resulting from your comment to line 16 below, in the enclosed retyped rule.

(3), line 16: What does “consistently and equitably” mean in this context? As written, the rule is vague.

In response to your comment, we have added in the enclosed retyped rule an additional sentence reading, “Administering the receipt of compensatory leave ‘consistently and equitably,’ for purposes of this Rule, means treating employees who are in the same situation the same way, regardless of their race, ethnicity, or other non-work-related characteristics.”

History Note: Can you be more specific as to your statutory authority? Pointing to all of Chapter 126 is too broad.

Thank you for spotting this issue. This was a typo in the N.C. Register posting. The statutory authority should be G.S. 126-4(5). This is changed in the enclosed retyped rule.

History Note: This is not complete. Please update accordingly. The current version of the codified rule includes all of the following information:

Authority G.S. 126-4;

Eff. February 1, 1976;

Amended Eff. August 1, 2009;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

| The history note has been modified in the enclosed retyped rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1801

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 9: Change “is” to “are”.

[This change has been made in the enclosed retyped rule.](#)

History Note: Consider adding 126-4(4) to your statutory authority.

[In the enclosed retyped rule, 126-4\(4\) has been added to the statutory authority.](#)

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1802

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 8-12: The term “Executive Management Position” is still used in amended Rule .1801. Are you sure you want to delete this definition?

Thank you for catching this issue. The definition of “Executive Management Position” has been restored in the enclosed retyped rule.

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

This change has been made in the enclosed retyped rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1804

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

New (2): Consider adding an oxford comma after "probationary".

[This change has been made in the enclosed retyped rule.](#)

History Note: Effective date would be December 1, 2025, unless otherwise indicated. Please update.

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1808

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*History Note: Effective date would be December 1, 2025, unless otherwise indicated.
Please update.*

This change has been made in the enclosed retyped rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Human Resources Commission

RULE CITATION: 25 NCAC 01E .1809

DEADLINE FOR RECEIPT: November 7, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*History Note: Effective date would be December 1, 2025, unless otherwise indicated.
Please update.*

[This change has been made in the enclosed retyped rule.](#)

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: October 29, 2025

Burgos, Alexander N

From: Miller, Christopher S
Sent: Wednesday, October 29, 2025 4:13 PM
To: Thomas, Blake; Mazza, Denise H
Cc: Burgos, Alexander N; Miller, Christopher S
Subject: 25 NCAC 01E - Request for Changes - November 2025
Attachments: Requests for Changes - 25 NCAC 01E - Miller.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Human Resources Commission for the November 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, November 20, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, and the revised Rules, to me via email, no later than 5 p.m. on November 7, 2025.

Please let me know if you have any questions or concerns.

Thanks,

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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